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OF DISTRICT COURT  
2015 JAN 23 AM 10:40

FILED  
BY  DEPUTY

9 IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT  
10 OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF FLATHEAD

\* \* \* \* \*

11 IN RE ELEVENTH JUDICIAL )  
12 DISTRICT COURT RULES OF ) STANDING ORDER RE:  
13 PRACTICE ) SETTLEMENT CONFERENCES  
14 )

SB-00-4

15 The Court hereby enters a Standing Order regarding Settlement Conferences ordered  
16 pursuant to Rule 16 Scheduling Orders in this District.

17 1. The purpose of the settlement conference is to permit an informal discussion  
18 among the attorneys, parties, and the settlement judge of every aspect of the lawsuit bearing  
19 on its settlement value, thus permitting the settlement master to candidly express views  
20 concerning the settlement value of the parties' claims. All communications made in  
21 connection with the settlement conference are confidential and will not be disclosed to  
22 anyone. Statements or communications of any kind occurring during the settlement  
23 conference may not be used by any party with regard to any aspect of the litigation.

24 2. Counsel who will actually try the case shall attend the conference. All parties  
25 shall attend, in person, with authority to settle. Counsel shall appear with their clients  
26 whether or not counsel have been given ultimate settlement authority.

27 3. It is the responsibility of counsel to timely advise all named parties of this  
28 conference and to ensure the personal attendance of the required individuals. Availability of  
any required individuals by telephone is not acceptable, and requests to excuse personal  
attendance will not be entertained without exceptional justification.

4. Prior to the settlement conference, the attorneys are directed to discuss  
settlement with their clients, and counsel are encouraged to discuss settlement between  
themselves so the parameters of settlement have been explored well in advance of the  
settlement conference.

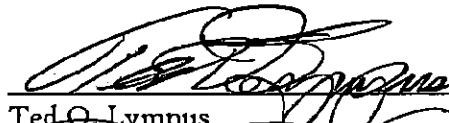
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2 5. A settlement conference statement from each party must be submitted directly  
3 to the office of the Settlement Master. The statement should contain:

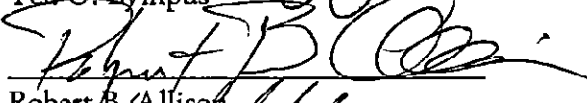
- 4 a. The background of the case;  
5 b. Factual and legal issues, including damages;  
6 c. Points and authorities of law;  
7 d. A description of the strongest and weakest points in their case, both  
8 legal and factual, and that of their opponents; and  
9 e. The history of settlement negotiations including a recitation of any  
10 specific offers and demands.

11  
12 Discovery materials or evidence that will be offered at trial may be included if thought  
13 particularly relevant. The settlement statement shall not be filed or exchanged with other  
14 parties. The settlement statement will be disposed of unless return is requested at the close  
15 of the conference.

16  
17 6. Cooperation and compliance with these procedures is deemed essential to an  
18 effective settlement conference. Failure to abide by these procedures will cause the  
19 conference to be cancelled and rescheduled. The noncomplying attorney and/or party may  
20 be assessed the costs and expenses incurred by the other individuals involved due to the  
21 cancellation, and other sanctions may be imposed in the discretion of the settlement master.  
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DONE this 15<sup>th</sup> day of January, 2015.

  
Ted O. Lympus

  
Robert B. Allison

  
Heidi J. Ulbricht

  
David M. Ortley